

# SENATE BILL REPORT

## SJR 8221

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As of February 25, 2007

**Brief Description:** Revising the application of discovery rules to proceedings of the judicial conduct commission.

**Sponsors:** Senators Kline and Honeyford.

**Brief History:**

**Committee Activity:** Judiciary: 2/27/07.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Lidia Mori (786-7755)

**Background:** The Commission on Judicial Conduct (Commission) may receive complaints concerning judges or justices from any organization, association, or person. Counsel for the Commission makes a preliminary investigation and recommends to the Commission whether to proceed to the next stage. Each Commission member receives the complaint and additional information for review and then the Commission meets. It may either dismiss the complaint, continue investigation, or commence initial proceedings. If it advances to initial proceedings, the Commission notifies and provides the judge at issue with an opportunity to respond to the allegations. If the Commission determines there is probable cause to believe that the judge has violated a rule of judicial conduct, it orders filing of a statement of charges which becomes public after the judge is served. The judge has 21 days to file an answer.

Proponents of this legislation believe a judge should be entitled to discovery of all information generated in the investigation or analysis of a complaint pertaining to the judge that led to a probable cause determination.

**Summary of Bill:** Article IV, section 31 of the Washington State Constitution provides that whenever the Commission receives a complaint against a judge or justice, it will first investigate the complaint and then conduct initial proceedings for the purpose of determining whether probable cause exists for conducting a public hearing to deal with the complaint. The investigation and initial proceedings are confidential except that all discovery prior to the public hearing is conducted pursuant to the rules of civil procedure promulgated by the Washington State Supreme Court. A judge or justice that is subject to proceedings before the Commission is entitled to obtain discovery from the Commission, its staff, and other persons involved in the investigation or analysis that led to the determination of probable cause.

**Appropriation:** None.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.